



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,969	10/28/2003	Phillip J. Hausman	304-032	4422
24112 7590 08/29/2008 COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518				
EXAMINER				
SMITH, CHENEA				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
08/29/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/694,969

**Applicant(s)**

HAUSMAN, PHILLIP J.

**Examiner**

CHENEY P. SMITH

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/5/2008 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 6-11 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kay et al. (US20020144275, hereinafter Kay).

Regarding claims 1, 11 and 16-17, Kay discloses a method of controlling content displayed on a television, comprising:

providing control inputs (see [0027], lines 8-10 and [0057], lines 4-5) to the television (set top box 120/television 115, see Fig. 1),

displaying content on the television (see[0027], lines 8-10 and [0057], lines 15-17), the content selected in response to the control inputs (see [0057], lines 4-5) by a controller (servers 155 and 805, see Figs. 1 and 8) located remotely from the television (see [0057], lines 11-17 and [0065], lines 19-21), and

communicating the control inputs (see [0028], lines 10-15) and the content (see [0030]) between the television and the controller via a bi-directional communications channel (see [0030] and Figs. 1 and 8).

Regarding claim 2, Kay discloses communicating control inputs (see [0028], lines 10-15) and the content (see [0030]) between the television and the controller via a bi-directional communications channel (see [0030] and Figs. 1 and 8) comprising:

converting the control inputs and the content to communications signals according to a protocol associated with the bi-directional communications channel (see [0028] - [0030] and Figs. 1 and 8), and

transmitting the communications signals between the television and the remotely located controller (see [0030] and Figs. 1 and 8).

Regarding claims 6 and 15, Kay discloses control inputs include wired or wireless outputs from a device including a pillow speaker or control inputs connected to the pillow speaker, a keyboard, and a remote control (see [0027], lines 8-10).

Regarding claim 7, Kay discloses obtaining the control inputs from an output port of the television, converting the control inputs to a protocol associated with the bi-directional communications channel, and transmitting the control inputs to the remotely located controller (see [0028] - [0030] and Figs. 1 and 8).

Regarding claim 8, Kay discloses converting the control inputs from the protocol to a format compatible with the remotely located controller, and applying the control inputs to the remotely located controller (see [0028] - [0030] and Figs. 1 and 8).

Regarding claim 9, Kay discloses obtaining the content from the remotely located controller, converting the content to a protocol associated with the bi-directional communications channel, and transmitting the content to the television (see [0028] - [0030] and Figs. 1 and 8).

Regarding claim 10, Kay discloses converting the content from the protocol to a format compatible with the television, and displaying the content to the television (see [0028] - [0030] and Figs. 1 and 8).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4, 12-13, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay (previously cited), as applied to claims 1, 11 and 16 above, and further in view of Budow (of record).

Regarding claims 3 and 12, Kay does not specifically disclose a bi-directional communications channel is a serial bus.

In an analogous art, Budow discloses a bi-directional communications channel is a serial bus (see col 8, lines 38-39).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Kay's system to include a serial bus as a bi-directional communications channel, as disclosed by Budow, for the advantage of providing a cost efficient method of communication between a server and a client, as cable and synchronization difficulties make parallel communications impractical.

Regarding claims 4, 13 and 19, Kay in view of Budow discloses a protocol is selected from a group including EIA/RS-232, EIA/RS-422, EIA/RS-432 and EIA/RS-485 (see Budow, col 8, lines 38-39).

Regarding claim 21, Kay in view of Budow discloses content sources including prerecorded audio/video selections (see Kay, [0031], lines 1-4).

7. Claims 5, 14, 18, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay (previously cited), as applied to claims 1, 11 and 16 above, and further in view of Baum et al. (DE3138648).

Regarding claims 5, 14 and 18, Kay discloses a remotely located controller (servers 155 and 805, see Figs. 1 and 8), but does not specifically disclose electrically isolating a television from a communications channel.

In an analogous art, Baum discloses electrically isolating a television from a communications channel (see Abstract, lines 12-16).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Kay's system to include electrically isolating a television from a communications channel, as disclosed by Palm, for the advantage of avoiding electromagnetic interference.

Regarding claim 23, Kay in view of Baum discloses an electrically isolated (see Baum, Abstract, lines 12-16) television content distribution system, comprising:

a television and one or more control devices at a user location (see Kay, Fig. 1), the television operative to receive control inputs from the control devices in response to actuation of the control devices by a user (see Kay, [0027], lines 8-10 and [0057], lines 4-5) and further operative to output the control inputs (see Kay, [0028] - [0030] and Figs. 1 and 8),

a first interface unit (see Kay, [0028] - [0030] and Figs. 1 and 8) connected to the television and operative to receive control inputs from the television and transmit the control inputs on a communication channel (see Kay, [0028] - [0030] and Figs. 1 and 8),

the first interface unit further operative to electrically isolate the communication channel from the television (see Baum, Abstract, lines 12-16), and

a controller located remotely from the user location (servers 155 and 805, see Kay, Figs. 1 and 8), the controller operative to receive the control inputs via the communication channel (see Kay, [0028] - [0030] and Figs. 1 and 8),

select content in response to the control inputs (see Kay, [0057], lines 11-17 and [0065], lines 19-21), and

deliver selected content via the communication channel to the television (see Kay, [0028] - [0030] and Figs. 1 and 8), the controller (servers 155 and 805, see Kay, Figs. 1 and 8) being electrically isolated from the television (see Baum, Abstract, lines 12-16).

Regarding claim 25, Kay in view of Baum discloses a first interface unit (see Kay, [0028] - [0030] and Figs. 1 and 8) includes an optical coupling isolation device to electrically isolate the communication channel from the television (see Baum, Abstract, lines 12-16).

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay (previously cited), as applied to claim 16 above, and further in view of Teng (of record).

Regarding claim 20, Kay does not specifically disclose connecting each controller via a router to a server operative to selectively retrieve content from one or more content sources.

In an analogous art, Teng discloses connecting a controller (LAN segment 31, see Fig. 1) via a router (hub switch 30, see Fig. 1) to a server (video server 12, see Fig. 1) operative to selectively retrieve content from one or more content sources (see Fig. 1).



It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Kay's system to include connecting a controller via a router to a server operative to selectively retrieve content from one or more content sources, as disclosed by Teng, for the advantage of increasing the number of videos sources available to the server by connecting to a wide area network.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay (previously cited) in view of Budow (of record), as applied to claim 19 above, and further in view of Teng (of record).

Regarding claim 22, Kay in view of Budow does not specifically disclose content sources including the Internet.

In an analogous art, Teng discloses content sources including the Internet (clients share video via LAN, see col 7, lines 14-18).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Kay in view of Budow to include content sources including the Internet, as disclosed by Teng, for the advantage of allowing clients to share video, thereby increasing the amount of content available to users.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay (previously cited) in view of Baum (previously cited) and Budow (of record).

Regarding claim 24, Kay in view of Baum does not specifically disclose a communication channel is a serial bus that complies with a protocol selected from the group including EIA/RS 232, EIA/RS-422, EIA/RS- 432 and EIA/RS-485.

In an analogous art, Budow discloses a communication channel is a serial bus (see col 8, lines 38-39) that complies with a protocol selected from the group including EIA/RS 232, EIA/RS-422, EIA/RS- 432 and EIA/RS-485 (see col 8, lines 38-39).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Kay in view of Baum to include a communication channel is a serial bus that complies with a protocol selected from the group including EIA/RS 232, EIA/RS-422, EIA/RS- 432 and EIA/RS-485, as disclosed by Budow, for the advantage of providing a cost efficient method of communication between a server and a client, as cable and synchronization difficulties make parallel communications impractical.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENE P. SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on Monday through Friday, 7:30 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chenea P. Smith/  
Examiner, Art Unit 2623

/Hunter B. Lonsberry/  
Primary Examiner, Art Unit 2623